

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICHARD J. TESTA, JR., individually, and on
behalf of all others similarly situated,

Plaintiff,

- against -

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INC., JOHN DOES 1-50 (said names
fictitious individuals), and ABC
CORPORATIONS 1-50 (said names being
fictitious companies, partnerships, joint ventures
and/or corporations),

Defendants.

07 CV 8320 (AKH)

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that the undersigned hereby appears as counsel for
Defendant, MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.

Respectfully submitted,

Dated: December 12, 2007
New York, New York

/s/A. Michael Weber
A. Michael Weber, Esq.

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